



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No. IT-09-92-T
Date: 20 December 2013
Original: English

THE PRESIDENT OF THE TRIBUNAL

Before: Judge Theodor Meron, President
Registrar: Mr. John Hocking
Order of: 20 December 2013

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**ORDER ON "URGENT PROSECUTION REQUEST FOR AN
EXTENSION OF TIME TO FILE A RESPONSE TO DEFENCE
MOTIONS SEEKING DISQUALIFICATION OF JUDGES ORIE
AND FLÜGGE"**

The Office of the Prosecutor

Mr. Dermot Groome
Mr. Peter McCloskey

Counsel for Ratko Mladić

Mr. Branko Lukić
Mr. Miodrag Stojanović

I, THEODOR MERON, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”);

NOTING the “Defence Motion to Exceed Word Count and Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Presiding Judge Alphons Orié” filed by Ratko Mladić (“Mladić”) on 16 December 2013 (“Motion to Disqualify Judge Orié”) and the “Defence Motion to Exceed Word Count and Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Judge Christoph Flügge” filed by Mladić on 16 December 2013 (“Motion to Disqualify Judge Flügge”) (collectively “Disqualification Motions”) which request, *inter alia*, that I take actions relating to disqualification of Judges Alphons Orié and Christoph Flügge;¹

NOTING the “Urgent Prosecution Request for an Extension of Time to File a Response to Defence Motions Seeking Disqualification of Judges Orié and Flügge” filed on 18 December 2013 before myself and Judges Alphons Orié, Bakone Justice Moloto, and Christoph Flügge (“Motion for Extension of Time”) which requests that the “Trial Chamber” grant leave to vary the time limits set by the Rules of Procedure and Evidence of the Tribunal (“Rules”) and allow until 10 January 2014 for the Office of the Prosecutor (“Prosecution”) to respond to the Disqualification Motions;²

NOTING that the Prosecution suggests that: (i) the length of the Disqualification Motions; (ii) the seriousness of the requests they advance; and (iii) the upcoming holiday period constitute good cause for variation of time limits applicable to its response;³

CONSIDERING that as the Disqualification Motions are addressed to myself,⁴ the Motion for Extension of Time is properly directed to me;

NOTING that Rule 126 *bis* of the Rules grants fourteen days for any response to the Disqualification Motions;

NOTING that Rule 127 of the Rules allows a Trial Chamber or Pre-Trial Judge, on good cause being shown by motion, to enlarge any time prescribed by or under the Rules;

CONSIDERING that, although Rule 127 of the Rules refers to a Trial Chamber or Pre-Trial Judge, its provisions apply, *mutatis mutandis*, to motions filed before the President of the Tribunal;⁵

¹ Motion to Disqualify Judge Orié, p. 46; Motion to Disqualify Judge Flügge, p. 11.

² Motion for Extension of Time, paras 1, 4.

³ See Motion for Extension of Time, paras 2-3.

⁴ Motion to Disqualify Judge Orié, p. 46; Motion to Disqualify Judge Flügge, p. 11.

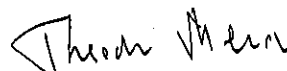
CONSIDERING that holiday commitments do not constitute good cause for variation of time limits;⁶

CONSIDERING, however, that the length and complexity of the Disqualification Motions, which together exceed 21,000 words, justify an extension of time for the Prosecution response;⁷

HEREBY GRANT the Motion for Extension of Time.

Done in English and French, the English version being authoritative.

Done this 20th day of December 2013,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Tribunal]

⁵ Cf. *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-A, Public Redacted Version of the 25 July 2013 Decision on Slobodan Praljak's Motion for Review of the Registrar's Decision on Means, 28 August 2013, para. 29.

⁶ See, e.g., *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-A, Decision on Momčilo Perišić's Motion for an Extension of Time to File his Appeal Brief, 24 November 2011, p. 1.

⁷ See Disqualification Motions. I note that Mladić has not yet responded to the Motion for Extension of Time. However I consider that he will not be prejudiced by my granting the Motion and accordingly file the present decision without awaiting any response.